

REMARKS

This application has been reviewed in light of the Office Action dated August 1, 2003. Claims 1-7 are pending, with Claims 1 and 5 in independent form. Claims 1 and 5 have been amended merely as to matters of form, and accordingly, the scope of these claims has not been narrowed. Favorable reconsideration is requested.

Claims 1-7 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Office Action states that “no specific method, device, or equation is disclosed for actually calculating the recited optical power from the temperature difference, $T_1 - T_2$. It would require undue experimentation for the ordinary skilled artisan to figure out exactly how to obtain the optical power using the method or device claimed in view of the application’s disclosure.” (Paragraph 2 of the Office Action).

Applicants respectfully traverse these rejections and submit that the specification includes an enabling disclosure. In support of Applicants’ position, a Declaration of Dr. Jane D. LeGrange, one of the inventors of the subject matter disclosed in this application, is submitted herewith.

The specification is enabling because it discloses a manner in which to obtain a relative determination of optical power in waveguide structures. The manner in which to obtain this relative determination of optical power is by measuring the temperature difference $T_1 - T_2$ as disclosed in the specification. Applicants respectfully submit that a

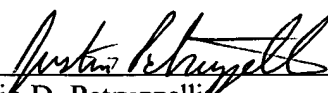
way to obtain a relative determination of optical power is all that is needed for the specification to enable. Because the specification clearly describes a way to measure temperature difference $T_1 - T_2$, which provides a relative determination of optical power, the specification is submitted to be enabling.

However, even if it is deemed that the specification must disclose a way to obtain actual power levels to be enabling, Applicants submit that such actual optical power levels may be obtained using the disclosed method and apparatus by performing a simple calibration process without undue experimentation. The Declaration of Dr. Jane D. LeGrange, submitted herewith, supports this position and sets forth the manner in which an ordinarily skilled artisan, reading the specification, could easily perform such a calibration process.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and the allowance of the present application.

Applicants' undersigned attorney may be reached by telephone at (973) 597-2500. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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